

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Nathan Winshall	Team: Squad #3	CCRB Case #: 201801549	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 02/21/2018 2:30 PM	Location of Incident: [REDACTED]	Precinct: 61	18 Mo. SOL 8/21/2019	EO SOL 8/21/2019	
Date/Time CV Reported Sat, 02/24/2018 10:31 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 02/24/2018 10:31 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Yiwen Li	13178	956846	061 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Rosanna Matos	26210	964148	061 PCT
2. POM Steven Giannopoulos	12184	930212	061 PCT
3. POM Ruben Jasmin	00678	941950	061 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Yiwen Li	Abuse: At § 87(2)(b) [REDACTED] in Brooklyn, Police Officer Yiwen Li forcibly removed § 87(2)(b) [REDACTED] to the hospital.	[REDACTED]
B.POM Yiwen Li	Discourtesy: En route to § 87(2)(b) [REDACTED] in Brooklyn, Police Officer Yiwen Li spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

§ 87(2)(b) filed this complaint with the CCRB via the Call Processing System on February 24, 2018.

On February 21, 2018, at approximately 2:30 p.m., § 87(2)(b) called 9-1-1 and requested that officers respond to her apartment, § 87(2)(b) in Brooklyn, in order to deal with her husband, § 87(2)(b). Once there, officers, led by PO Yiwen Li, of the 61st Precinct, removed § 87(2)(b) to the § 87(2)(b) (**Allegation A – Abuse of Authority:** § 87(2)(g)).

PO Li and EMT § 87(2)(b) rode with § 87(2)(b) to § 87(2)(b). During the ride there, § 87(2)(b) and PO Li began to argue and PO Li allegedly told § 87(2)(b) that he was “a phony Vietnam veteran,” a “war mongrel,” and a “baby killer.” (**Allegation B – Discourtesy:** § 87(2)(g)).

No video footage was found in regards to this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: At § 87(2)(b) in Brooklyn, Police Officer Yiwen Li forcibly removed § 87(2)(b) to the hospital.

It is undisputed that on February 21, 2018, at approximately 2:30 p.m., § 87(2)(b) called 9-1-1 and requested that officers respond to her apartment, § 87(2)(b) in Brooklyn, in order to deal with her husband, § 87(2)(b). In the 9-1-1 call, § 87(2)(b) described § 87(2)(b) as a disabled veteran who was banging on her door and stated that § 87(2)(b) had not been taking his medication, had a history of violence and was very dangerous (Board Review 06). PO Li, PO Rosanna Matos, PO Steven Giannopoulos, and PO Ruben Jasmin, all of the 61st Precinct, responded to the scene, as did EMT § 87(2)(b) and EMT Charles Zimring. PO Li and PO Matos spoke to § 87(2)(b) regarding her 9-1-1 call. The officers then escorted § 87(2)(b) downstairs where he was placed in an ambulance and, against his will, taken to the § 87(2)(b). PO Li rode with § 87(2)(b) in the back of the ambulance with EMT § 87(2)(b).

§ 87(2)(b) stated that he had been in a fight with his wife and may have threatened her. § 87(2)(b) speculated that he may have told her, “I’ll punch you if you come near me and hit me, I’ll hit you back.” He had not used any drugs or alcohol on this day. § 87(2)(b) normally took medication called Effexor, which is an anti-depressant, but had been off of it for a while. § 87(2)(b) did not believe his failure to take Effexor affected his behavior on the day of this incident. § 87(2)(b) had been taking his prescribed chemical imbalance medication, Depakote. When the officers arrived, § 87(2)(b) told the officers that he had been having a verbal argument with § 87(2)(b) about financial matters. During this time, § 87(2)(b)’s demeanor was annoyed and frustrated; however, as the incident progressed, he began to get calmer. Shortly thereafter, two EMTs arrived on scene. § 87(2)(b) told the EMTs and the officers repeatedly that he did not want to go to the hospital. Once outside, § 87(2)(b) continued to tell the officers that he did not want to go to the hospital. At this point, PO Giannopoulos and PO Li jointly handcuffed § 87(2)(b) and directed him into the ambulance. § 87(2)(b) stated that § 87(2)(b) had been walking through their apartment yelling and threatening to hit her. § 87(2)(b) noted that § 87(2)(b) had recently not been taking his medication. § 87(2)(b) then spoke to § 87(2)(b)’s psychiatrist who instructed

her to call 9-1-1, which she did. § 87(2)(b) then called 9-1-1 and informed the dispatcher that § 87(2)(b) had been off of his medication, that he was yelling and threatening to hit her, and that § 87(2)(b)'s psychiatrist had told her to call 9-1-1. Later, NYPD officers and EMTs arrived on scene. The EMTs arrived without § 87(2)(b) calling for an ambulance. § 87(2)(b) spoke to PO Matos and PO Li and explained to them that § 87(2)(b) was a danger to himself and to others (Board Review 01).

EMT § 87(2)(b) stated that she responded to a call for an emotionally disturbed person. She was alerted of this job from her monitor; however, she did not recall what precise information she was given. Once EMT § 87(2)(b) arrived on scene, she noticed that the NYPD had already responded. EMT § 87(2)(b) got a list of medications from § 87(2)(b) who also told EMT § 87(2)(b) that § 87(2)(b) had been using "drugs;" however, she did not specify what kind of drugs § 87(2)(b) had been using. § 87(2)(b) also told EMT § 87(2)(b) that § 87(2)(b) suffered from mental illness, specifically, either post-traumatic stress disorder or depression. After speaking to § 87(2)(b) EMT § 87(2)(b) observed § 87(2)(b) acting "irrationally," by walking back and forth in the hallway and was speaking loudly. § 87(2)(b) was more upset than other emotionally disturbed persons that EMT § 87(2)(b) had dealt with prior to this incident. Based on the information that § 87(2)(b) provided and § 87(2)(b)'s behavior outside the apartment, EMT § 87(2)(b) determined that § 87(2)(b) was an emotionally disturbed person. EMT § 87(2)(b) did not believe that § 87(2)(b) was a danger to himself; however, she feared that if he were left alone with § 87(2)(b) he may physically hurt her. At no point did EMT § 87(2)(b) or EMT Zimring, speak to any of the officers other than PO Matos introducing EMT § 87(2)(b) to § 87(2)(b).

PO Li stated that he received a call of an emotionally disturbed person at the location and when he spoke to § 87(2)(b) she told him that § 87(2)(b) had taken some illegal drugs, had a history of mental health problems, and had not been taking his medication for his mental health problems. PO Li did not recall if § 87(2)(b) specified what kind of mental health problems § 87(2)(b) had or what illegal drugs he had been using. When § 87(2)(b) saw § 87(2)(b) he began to yell, "She's a liar, she's a gold digger, she hasn't been working for many, many years," and his demeanor became "agitated." § 87(2)(b) requested that the officers take § 87(2)(b) to the hospital. Although PO Li stated that it was his decision to take § 87(2)(b) to the hospital and that at no point did EMS tell him that § 87(2)(b) had to go to the hospital, he stated that EMS described § 87(2)(b) as an emotionally disturbed person and stated that they believed that § 87(2)(b) he should go to the hospital because they believed him to be a danger to himself, his wife, and potentially to the officers.

According to Patrol Guide Procedure 221-13, when an individual "appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others... [they] must be taken into protective custody" (Board Review 02).

§ 87(2)(g)

§ 87(2)(g)

Allegation (B) Discourtesy: En route to § 87(2)(b) in Brooklyn, Police Officer Yiwen Li spoke discourteously to § 87(2)(b)

It is undisputed that while en route to the § 87(2)(b) l, § 87(2)(b) and PO Li engaged one another in a verbal spat regarding the Vietnam War.

§ 87(2)(b) stated that while in the back of the ambulance, PO Li began to discuss the Vietnam War and stated that the Americans had lost the war in Vietnam. PO Li told § 87(2)(b) that § 87(2)(b) had informed him that § 87(2)(b) was a Vietnam war veteran. PO Li called § 87(2)(b) a “war mongrel,” a “baby killer,” and a “phony Vietnam veteran.” § 87(2)(b) responded by calling PO Li a “chink” and spitting at him.

EMT § 87(2)(b) stated that while in the back of the ambulance, § 87(2)(b) continued to state that he had a Purple Heart. PO Li responded by stating that he did not believe that § 87(2)(b) had fought in the Vietnam war. § 87(2)(b) responded by calling PO Li a “Gook.” PO Li then said to § 87(2)(b) “Oh, that’s why we killed all your people” or something similar. EMT § 87(2)(b) did not remember PO Li calling § 87(2)(b) a “war mongrel” or a “baby killer” but stated that PO Li may have called § 87(2)(b) a “phony Vietnam veteran.” At this point, EMT § 87(2)(b) declared that the remainder of the ride to the hospital would be spent in silence.

PO Li stated that § 87(2)(b) began to engage him in conversation stating, “You don’t belong in this country. Get the fuck out of this country.” PO Li denied speaking to § 87(2)(b) before this. § 87(2)(b) then called PO Li a “Gook,” and a “Viet Cong,” and told him that he hoped PO Li got shot through his eyes. § 87(2)(b) explained that he had fought in the Vietnam war. PO Li then told § 87(2)(b) that the US had lost the war in Vietnam. PO Li did not respond in any other way. He denied referring to § 87(2)(b) as a “war mongrel” or a “baby killer” and did not recall telling § 87(2)(b) that he was a “phony Vietnam veteran.”

According to Patrol Guide Procedure 203-09, police officers must “be courteous and respectful.” (Board Review 07).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 03).
- PO Li has been a member-of-service for three years and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
- As of May 25, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 05).

Squad No.: 3

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date